

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

YOUSEF BILBEISI,

Plaintiff,

v.

SAFEWAY, INC.,

Defendant.

CASE NO. C22-1349-JCC

ORDER

This matter comes before the Court on Plaintiff’s response (Dkt. No. 13) to the Court’s order to show cause why this case should not be dismissed based on the doctrine of *res judicata* (Dkt. No. 12). As the Court previously noted, this case appears to arise from the same predicate facts as a case recently decided by this Court, *Bilbeisi v. Safeway*, C22-0876-JCC (“*Bilbeisi I*”). (Dkt. No. 12 at 1.) That case was dismissed with prejudice. *See Bilbeisi I*, Dkt. No. 52.

Under the doctrine of *res judicata*, a final judgment on the merits bars further claims by a party on the same cause of action, as well as all claims that *could have* been asserted in a prior suit. *See Brown v. Felsen*, 442 U.S. 127 (1979); *Clark v. Bear Sterns & Co.*, 966 F.2d 1318, 1320 (9th Cir. 1992). The basis for Plaintiff’s current complaint is the same as his previous one, namely his termination from Safeway in 2018. (Dkt. No. 1); *Bilbeisi I*, Dkt. No. 1-1. Plaintiff argues his new claims are “sufficiently distinct to permit two (2) lawsuits.” (Dkt. No. 13 at 1.) But he fails to show why his current claims could not have been asserted in his prior suit. In fact,

1 Plaintiff initially raised the federal claims he now raises in his previous suit, before amending his
2 complaint to remove all federal claims in an attempt to avoid jurisdiction in this Court. *See*
3 *Bilbeisi I*, Dkt. No. 17 at 1–2 (explaining the procedural history of Plaintiff’s previous case).
4 Thus, Plaintiff is now barred, under the doctrine of *res judicata*, from raising his current claims
5 because they could have been asserted in his previous suit that reached final judgment.

6 Accordingly, Plaintiff’s complaint (Dkt. No. 1) is DISMISSED with prejudice. The
7 outstanding motions in this case (Dkt. Nos. 10, 11) are VACATED as moot. The clerk is
8 DIRECTED to close this case.

9 DATED this 21st day of June 2023.

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A handwritten signature in black ink, reading "John C. Coughenour", is written over a horizontal line.

John C. Coughenour
UNITED STATES DISTRICT JUDGE